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UNCLAS SECTION 01 OF 04 MEXICO 000463

SIPDIS

SENSITIVE  
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STATE FOR WHA/MEX, INR, INL

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [SNAR](#) [KCRM](#) [ECON](#) [MASS](#) [MX](#)

SUBJECT: SAN DIEGO/TIJUANA: INCREASED BORDER VIOLENCE AND  
TEAR GAS

Summary  
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11. (SBU) On February 5, CBP and Poloff met with SRE to discuss the issue of increased violence along the border. CBP specifically noted that border violence problems have increased/worsened in the Tijuana/San Diego area in the past 6 months. CBP informed SRE of the extent of collaboration there has been with CISEN and SSP to mitigate the increasing levels of violence. In addressing SRE's concerns about the use of tear gas by CBP agents, CBP explained that the decision to use tear gas canisters into Mexico was not taken lightly and their use is employed to avoid using deadly force options in the protection of our agents and immigrants. SRE officials felt that they were not being informed of these incidents before the media reported them and expressed their desire that Mexican consuls be notified ASAP. CBP assured GOM officials that the consuls are part of the Protocol notification process, but agreed to review current notification procedures to ensure that the consuls are notified of significant incidents as promptly as feasible. SRE agreed that violence along the border originating on the Mexican side was unacceptable and must be stopped by Mexican Law Enforcement. CBP noted the collaborative effort with SSP which has been very effective so far. SRE is going to pulse their consuls along the border to gauge whether or not they are being notified of these incidents. They are hoping to not only identify challenges, but best practices as well.

Increased Violence Against U.S. Border Patrol Agents...  
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12. (U) During fiscal year (FY) 2007 there were a total of 987 incidents of violence perpetrated against U.S. Customs and Border Protection (CBP) Agents, representing an increase of 235 incidents over the FY 2006 total of 752. From October 1, 2007 to November 30, 2007, there were 210 reported incidents of violence nationwide, representing an increase of 49% from the 141 assaults reported for the same time period in FY 2007 and a 57% increase over the 134 assaults reported during the same time frame in 2006.

...Mostly In the Tijuana/San Diego Area  
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13. (U) The San Diego Border Patrol Sector has experienced the most violence against CBP agents along the Southwest border since the collection and tracking of these assaults began in FY 2006. Assaults in the San Diego Sector totaled 200 and 254 in FY 2006 and FY 2007 respectively. Compared to FY 2006 and FY 2007, the San Diego Sector has seen a dramatic increase in assaults during the first two months of FY 2008. As of November 30, 2007, there has been a 500% increase over this same time period in FY 2007 (90 vs. 15) and a 53% increase over FY 2006 (90 vs. 59).

#### CBP's Use of Non-Lethal Munitions

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14. (U) In an attempt to eradicate the assaults on CBP agents and migrants in the area, CBP's San Diego Sector has deployed their Special Response Teams to the area and less than lethal munitions (i.e. tear gas grenades, pepper ball spray). They have also retrofitted five CBP service vehicles with rock-proactive caging. Less than lethal munitions allow CBP agents to protect themselves and those around them from projectile attacks, which have been a frequent occurrence in the Colonia Libertad area. The objective of employing these tools is to stop rock-throwers without having to resort to deadly force. CBP has only used these defense mechanisms as a last resort, when repeated calls to Tijuana's Police Department have gone unanswered.

#### GOM and Media Reaction

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15. (U) One particular incident in which CBP employed tear gas as protection against rock-throwers occurred on January 12 in the Colonia Libertad neighborhood of Tijuana. The incident prompted negative reaction from Mexican media, the GOM, and Mexican Congress. According to Foreign Relations Secretariat (SRE) Diplomatic Note No. SSAN-0026 (January 15) referencing the incident, a 15 year-old minor was struck by a tear gas grenade and was hospitalized. (NOTE: Local Mexican authorities confirm that the 15-year-old in question is a repeat offender juvenile delinquent who has been observed on several occasions throwing rocks and other objects at CBP agents. The San Diego Mexican Consulate was informed January 16 that CBP has documentation and video of the juvenile's actions.) The diplomatic note goes on and outlines the GOM's concerns regarding CBP's use of these non-lethal munitions. They note the increased use of these munitions has affected the daily lives of Tijuana residents and on occasion has caused damage and injury and considers their use "unacceptable" and a violation of Mexico's national sovereignty. SRE also calls for an investigation into the January 12 incident and punishment for those responsible.

16. (U) Using similar language, the Permanent Commission of the Mexican Congress passed a unique resolution on January 23 condemning the use of tear gas (or any kind of weapon) by U.S. border authorities against Mexican citizens, "especially on the south side of the border." The resolution encourages SRE and the Office of the Attorney General (PGR) to solicit an investigation from U.S. authorities into the tear gas incident and "punish those responsible." (Note: the resolution cites January 11 as the date of the incident. End Note.) The resolution also considers that such incidents "do not benefit the diplomatic and friendly relations between Mexico and the U.S."

#### CBP Meets with SRE on Issue of Increased Border Violence

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17. (U) On February 5, CBP and Poloff met with SRE's Chief of

Staff for the Undersecretary for North America Enrique Rojo and the North America division's Advisor for Special Issues David Renato Najera Rivas to discuss the issue of increased violence along the border and address SRE's diplomatic note. Representatives from the Public Security Secretariat (SSP) were also present. CBP shared the statistics outlined above with SRE and SSP, specifically noting that border violence problems have increased/worsened in the Tijuana/San Diego area in the past 6 months. They noted that the Colonia Libertad neighborhood was particularly violent with delinquents continuously attacking CBP agents and migrants with projectiles, to include Molotov cocktails.

¶8. (SBU) Rojo asked if CBP had documentation of Molotov cocktails being launched into the U.S. from Mexico, to which CBP replied that such evidence was captured on video. SRE agreed that violence along the border originating on the Mexican side was unacceptable and should be stopped by Mexican law enforcement. They expressed serious concerns about the use of tear gas canisters into Mexico, noting that the public's opinion/perception is that CBP is unilaterally attempting to enforce issues stemming on Mexican soil. Rojo also said that the Mexican Congress views such actions as an attack on Mexico's sovereignty because it affects Mexican citizens in their homes and neighborhoods.

¶9. (SBU) In addressing SRE's concerns about the use of tear gas by CBP agents, CBP explained that the decision to use Tear gas grenades into Mexico was not taken lightly and their use is employed to avoid using deadly force options in the protection of our agents and immigrants. In the majority of incidents over the past six months, Mexican law enforcement has responded within 30 minutes. However, there were incidents in which no Mexican law enforcement element responded, which led to the deployment of less than lethal munitions (i.e. tear gas canisters) to avoid using deadly force options and to protect the welfare and safety of the

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CBP agents and immigrants that were being attacked.

¶10. (SBU) CBP also informed GOM officials that concertina wire had been installed along some sections of the San Diego border as a deterrent to rock/projectile throwers who often times work in conjunction with other criminal elements (i.e. people smugglers, drug traffickers), as well as to dissuade potential immigrants who are often injured in the process of "jumping the fence." CBP also explained their extent of collaboration with CISEN and SSP to mitigate the increasing levels of violence, which has been very effective so far.

¶11. (SBU) SRE inquired about the role of Mexican consuls along the affected areas of the border; they felt that they were not being informed of these incidents before the media reported them and expressed their desire that their consuls be notified ASAP. CBP assured SRE that the consuls are part of the Protocol notification process, but agreed to review current notification procedures to ensure that the consuls are notified of significant incidents as promptly as feasible. CBP explained that both U.S. and Mexican consular notification is a high priority in CBP's notification process for such incidents. SRE said they would pulse their consuls along the border to gauge whether or not they are being notified of these incidents in a timely fashion.

¶12. (SBU) SRE also expressed a desire that the U.S. Department of State be involved in facilitating this notification process and suggested a meeting of border counsels along with CBP and Mexican law enforcement agencies to not only identify challenges, but best practices as well.

Consulate in Tijuana Reports An Improvement  
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¶13. (SBU) The U.S. Consulate in Tijuana is already reporting an improvement in the Colonia Libertad area. At a January 16

meeting organized by the San Diego Mexican Consulate, the Tijuana municipal police director made a commitment to increase patrols in the Colonia Libertad neighborhood where delinquents have been continuously attacking CBP agents and migrants with projectiles. Since the patrols began, CBP has reported fewer incidents against agents from that neighborhood. Nevertheless, despite the possible improvement, local media continue to criticize CBP policy of using tear gas and tensions over the issue have not completely subsided.

Comment

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¶14. (SBU) CBP and Poloff believe that SRE would like to play a larger role in addressing the border violence (BV) issues, and perhaps change the venue for discussing such issues to the Border Liaison Mechanism (BLM) (NOTE: the January 16 meeting was, in fact, a BLM-BSPS meeting), which addresses a variety of border issues including water and wait times at the border. CBP feels that BV issues are best addressed through the Border Security and Public Safety (BSPS) working groups, led by both CBP and CISEN. (Note: The BSPS working group was created to focus on the implementation of the Plan of Action to Combat Border Violence signed March 3, 2006. The purpose of this working group was to increase bilateral coordination and cooperation along our shared border. The success of these protocols have led to the creation of similar Border Violence and Public Safety working groups in other areas where the levels of cross border violence have reached all-time highs. This standard notification process has been utilized in the San Diego/Tijuana since December of ¶2006. End Note.) Embassy will formally respond to SRE Diplomatic Note No. SSAN-0026 noting that the monthly BSPS working groups are the ideal venue to exchange valuable information between both governments and help to mitigate the escalating levels of violence along our joint border.

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